

**PEST CONTROL BOARD**  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES OF THE MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by § 92-7(b), Hawaii Revised Statutes (“HRS”)

Date: Monday, March 25, 2019

Time: 2:00 p.m.

Place: King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1st Floor  
Honolulu, Hawaii 96813

Present: Rodney Ono, Industry Member, Chairperson  
Terrance Manago, Industry Member, Vice Chairperson  
Jonathan Montalbo, Industry Member  
Julian Yates, Ph.D., Public Member  
David Lau, Industry Member  
Scott Ai, Public Member  
Lynn Nakasone, Department of Health, Ex-Officio  
Charlene Tamanaha, Executive Officer (“EO”)  
Christopher Leong, Esq., Deputy Attorney General (“DAG”)  
Susan Reyes, Secretary

Member(s) Zhiqiang Cheng, Ph.D., Department of Plant & Environmental Protection  
Excused: Sciences, Ex-Officio  
John McHugh, Ph.D., Department of Agriculture, Ex-Officio

Guest(s): Michael Worden – Kama’aina Termite and Pest Control  
Richard Lee – Terminix International  
Steve Russo – Terminix International  
Jim Troutman – Terminix International  
William J. Nagel III – Attorney, American Fumigation Services  
Michael Botha – Terminix International  
Tim Lyons – Hawaii Pest Control Association (“HPCA”)

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by § 92-7(b), Hawaii Revised Statutes (“HRS”).

Call to Order: There being a quorum present, the meeting was called to order by Chairperson Ono at 2:00 p.m.

Amendments to Agenda: None.

Approval of Minutes:

Chairperson Ono wanted to correct the January 28, 2019 minutes to show that Vice Chairperson Manago had called the meeting to order.

It was moved by Mr. Ai, seconded by Dr. Yates, and unanimously carried to approve the minutes of the January 28, 2019 meeting as amended above.

Executive Officer's Report:

a. Examination Report

**PROMETRIC  
 HAWAII PEST CONTROL EXAMINATIONS  
 EXAMINATIONS ADMINISTERED FEBRUARY 2019**

<u>EXAM</u>	<u>ADMINISTERED</u>				
	<u>NO. EXAMS</u>	<u>NO. FAIL</u>	<u>NO. PASS</u>	<u>% FAIL</u>	<u>%PASS</u>
<b>PART 1</b>	0	0	0	0%	100%
<b>FIELD REP BR 1</b>	4	2	2	50%	50%
<b>FIELD REP BR 2</b>	5	2	3	40%	60%
<b>FIELD REP BR 3</b>	3	1	2	33%	67%
<b>OPERATOR BR 1</b>	0	0	0	0%	0%
<b>OPERATOR BR 2</b>	0	0	0	0%	0%
<b>OPERATOR BR 3</b>	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				12	
TOTAL NO. EXAMS PASSED				7	
TOTAL NO. EXAMS FAILED				5	
TOTAL PERCENT PASSED				58%	
TOTAL PERCENT FAILED				42%	

Applications:

a. Exam Ratification(s)

1. Olivia Barry / PCFR / BR-2, BR-3
2. Nicole Cale / PCFR / BR-2
3. Lance Collins / PCFR / BR-2
4. Neth Este / PCFR / BR-2
5. Steve Kodama / PCFR / BR-2
6. Keliipua Lee / PCFR / BR-2
7. Randy K. Romer / PCO / BR-2, BR-3
8. Leilani Taison / PCFR / BR-2

It was moved by Vice Chairperson Manago, seconded by Mr. Montalbo, and unanimously carried to ratify the applications above.

b. Exam

	<b>Applicant</b>	<b>Branch(es)</b>	<b>Board Determination</b>
1.	Russo, Steve (License Held PCFR-1555 / BR-2, 3) PCO The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved BR-2, Approved BR-1 & BR-3 pending receipt of experience certification forms.
2.	Alacar, Rainer - PCFR Aloha Termite Kauai Inc. (PCO-1118 / BR-1, 2, 3)	1, 2, 3	Approved
3.	Bell, Matthew - PCFR The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
4.	Connolly, Brian - PCFR The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	3	Approved Pending Corrected Job List
5.	Humphrey, Charles – PCFR The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1, 2	Approved
6.	Kokubun, Guy – PCFR The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2, 3	Approved Pending Corrected Job List
7.	Komatsu, Christopher – PCFR The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2, 3	Approved
8.	Prem, Holden – PCFR Aloha Termite Kauai Inc. (PCO-1118 / BR-1, 2, 3)	1, 2, 3	Approved
9.	Souvannarath, Fan – PCFR The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1, 2, 3	Approved Pending Corrected Job List
10.	Taylor, Cory – PCFR The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1, 2, 3	Approved
11.	Teixeira, Brannon (PCFR-1579 / BR 1, 3) Additional Class The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
12.	Williams, Jr., George – PCFR The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved

It was moved by Vice Chairperson Manago, seconded by Mr. Montalbo, and unanimously carried to approve/defer the applications as reflected above.

c. Without Exam Ratification(s)

1. American Fumigation Services LLC / PCO / BR-1
2. Lanaki Pest Control LLC / PCO / BR-2, BR-3

It was moved by Vice Chairperson Manago, seconded by Mr. Montalbo, and unanimously carried to ratify the applications above.

Unfinished  
Business:

a. Rule Revisions

(i) HAR section 16-94-17

EO Tamanaha explained that 16-94-7 was the section on experience that the Board wanted to amend. To make changes to this section, the Board could (1) establish a committee comprised of not more than four members (less than a quorum) who may meet outside of board meetings and make its recommendations to the Board at a scheduled meeting or, (2) discuss revisions at a noticed board meeting.

Mr. Montalbo stated that there are different ideas that should be worked out amongst everyone at the Board meeting.

EO Tamanaha explained that the committee only makes a recommendation to the Board. The board must then adopt or amend the recommendations.

Chairperson Ono added that he wanted PCFRs to have Department of Agriculture certification for all three categories.

Mr. Montalbo stated that he feels the job list is a waste of time.

EO Tamanaha said that the job list is to make sure that the PCFRs are minimally qualified to sit for the exam. She asked Mr. Montalbo if he thinks the job list is unnecessary, how would the Board determine if the applicant meets the broad scope of the branch for which they are applying?

Mr. Montalbo said his thought is, in order for someone to get certified they need to be tested and licensed. If they are getting licensed, they are trained to identify, sell, and apply. The RME will sign off on the PCFRs training and will be the one responsible if anything goes wrong.

EO Tamanaha said that even if the RME is signing off on the training, the job list gives the Board an idea of the practical on the job training experience the applicant has. It does not have to be a job list, but something needs to be put into the rules as to the experience PCFRs must meet to qualify for a license.

Mr. Montalbo said that they are only talking about a PCFR and not an RME. The PCFR will identify, measure, and apply. When they are training, they can start studying and doing their certification. The good thing about the certification is the on-going training requirements. Right now, for a PCFR, they pay the renewal fee and they are extended for another two years. For certifications, every five years you need a certain amount of continuing education credits. If your credits are not good, you need to re-test. If you do not re-test, you're not certified.

EO Tamanaha stated that the Board should determine the requisite type of jobs for PCFR's to meet the minimum experience to sit for the exam. She further stated that the job list was initially done to see the kind of on-the-job-training ("OJT") experience they had. The language in the rules only applies to the educational portion.

Mr. Montalbo said the Board should come up with a form listing the requirements that a PCFR must meet to qualify for a license. If we require the certification then this requirement should replace the job list. The onus would be on the RME/Owner signing off on the form.

Mr. Lau asked what is needed of the Board to decide today.

EO Tamanaha stated that she recommends the Board form a committee that could meet and put together a list of recommendations to the Board and it would be up to the Board to decide.

After a brief discussion, Chairperson Ono appointed himself, Vice Chairperson Manago, Mr. Lau, and Mr. Montalbo as the committee.

EO Tamanaha asked that the committee notify her when they are ready to make a recommendation to the Board and asked that they notify her at least one week prior to a Board meeting so it can be placed on the agenda.

Proposed Legislation: a.

SB 202 – Relating to Professional and Vocational Regulatory Programs. Update.

Establishes repeal dates for all professional and vocational regulatory programs under the professional and vocational licensing division of the department of commerce and consumer affairs. Requires the auditor to perform an evaluation of each program prior to repeal.

EO Tamanaha stated that this bill died.

Ms. Nakasone wanted to know who started this bill?

DAG Leong said it was introduced by a third party, but it was never heard.

Ms. Nakasone wanted to know if there are any ramifications and does it mean dissolving the Board?

EO Tamanaha responded that if it had passed this way, there was a sunset repeal date and that the auditor had to do a review before that date.

DAG Leong stated that these are separate requirements. If the auditor did not do an audit of the Board the Board would be repealed on 6/30/2031.

EO Tamanaha said that in the past there were automatic reviews every seven years, but then the auditors could not keep up. The Board's did not mind the review, but it was automatically repealed at this date whether the auditor had time to review it or not. So, across all of the Boards, they were opposed to the automatic repeal and were not opposed to being reviewed by the auditor.

Public Comment:

Comments from the public are accepted at this time on topics not specifically addressed elsewhere on the agenda. The public may comment by signing-in before speaking during the Public Comment section. The board is precluded from discussing or acting on items raised by Public Comment that are not already on the agenda. **Public Comment will be limited to 5 minutes per person at the discretion of the Chairperson**

Michael Worden from Kama'aina Termite and Pest Control asked the Board to make a clarification on the distinction between a PCFR's recommendation for pest control services versus the technician that goes there to do the treatment. They recently received a complaint that was filed against their company to the Regulated Industries Complaints Office ("RICO"). They were investigated and cleared. He stated that he did the inspection on a home that was fumigated, and he determined that there were no live dry wood termites. But, they did find beetles inside the cabinets. In good-faith and because of their relationship with the customer, he told them that they would treat the beetles with orange oil (labeled for wood boring beetles). The technician was an applicator with a 7C license that went out to do the treatment for the beetles. The customer asked the technician if he was going to treat for dry wood termite. The technician responded that there were no dry wood termites and that he was there to treat beetles. Because of this statement according to RICO, it was a violation of him identifying a pest because he did not have a PCFR license.

Although they are innocent and cleared of this responsibility, if the homeowner had followed through with the complaint they may still be fined \$10,000.00 because the technician stated there were no dry wood termites. Despite being in the right, and for the homeowner to drop the complaint, they had to refumigate the home.

EO Tamanaha said that the Board is not part of the investigative process. She cautioned the Board that this is not an agenda item and the Board cannot discuss or make a determination. She requested Mr. Worden to submit his questions in writing. It will be added to the agenda for the Board to discuss at the next Board meeting.

Steven Russo from Terminix International said he submitted his application for BR-1 and BR-3 by the deadline date and claims to have spoken to the clerk in licensing branch to add BR-1 and BR-3. It will be verified with the clerk in licensing branch to correct his application to add BR-1 and BR-3.

Announcements:

a. Next Meeting:

Monday, May 20, 2019  
2:00 p.m.  
King Kalakaua Conference Room  
King Kalakaua Building, 1<sup>st</sup> Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

Adjournment:

There being no further business to discuss, the meeting adjourned at 2:53 p.m.

Taken and recorded by:

Taken and recorded by:

/s/ Charlene L.K. Tamanaha  
Charlene L.K. Tamanaha  
Executive Officer

/s/ Susan A. Reyes  
Susan A. Reyes  
Secretary

CLKT:sar

04/24/19

[ X ] Minutes approved as is.  
[ ] Minutes approved with changes, see minutes of \_\_\_\_\_